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COUNSEL FOR GARY R. GRIFFITH

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

<b>In re</b>	§	
	§	<b>Case No. 13-33404-HDH-11</b>
<b>Gary R. Griffith</b>	§	
	§	
<b>Debtor.</b>	§	<b>(Chapter 11)</b>

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**EXPEDITED MOTION TO SELL REAL PROPERTY  
PURSUANT TO 11 U.S.C. § 363(f)**

TO THE HONORABLE HARLIN D. HALE,  
UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, Gary R. Griffith (the “**Debtor**”), and files this Expedited Motion to Sell Real Property Pursuant to 11 U.S.C. § 363(f) (the “**Motion**”). In support thereof, the Debtor respectfully represents as follows:

1. The Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334. Venue of this proceeding and this Motion is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409. The statutory predicate for the relief sought herein is Section 363 of Title 11 of the United States Code (the “**Bankruptcy Code**”).

2. On July 2, 2013 (the “**Petition Date**”), the Debtor filed his voluntary petition under Chapter 7 of Title 11 of the United States Code in this Court.

3. On August 12, 2013, an order was entered converting the Debtor's case to a Chapter 11.

4. On August 5, 2014, an Order confirming the Debtor's Second Amended Plan of Reorganization was entered.

5. The Debtor owns property located at 4694 N FM 2869, Winnsboro, Texas 75494 (the "**Property**") which he has been marketing for sale.

6. The Debtor has filed this Motion because the Property is currently subject to an offer from Patrick Garrison and Shannon Garrison (the "**Purchasers**"). The total purchase price of the Property is \$1,800,000.00.

7. A true and correct copy of the fully executed Farm and Ranch Contract (the "**Contract**") is attached hereto as "**Exhibit A**" (without the executed Third Party Financing Addendum, the Addendum for Seller's Disclosure of Information on Lead-Based Paint and Lead-Based Paint Hazards as Required by Federal Law, and the Seller's Temporary Residential Lease, which are available upon request from the undersigned counsel). The Debtor, in the exercise of his reasonable business judgment, seeks authority pursuant to 11 U.S.C. § 363 to convey to the Purchasers, the Property, free and clear of all liens, claims and encumbrances of any kind or nature, save and except ad valorem tax liens for 2017. In short, the Debtor seeks authority to consummate the transaction set forth in the Contract and to execute any documents reasonably necessary therefore.

8. Section 363(f) provides, in pertinent part:

(f) The trustee may sell property under subsection (b) or (c) of this section free and clear of any interest in such property of an entity other than the estate, only if -

(1) applicable nonbankruptcy law permits sale of such property free and clear of such interest;

- (2) such entity consents;
- (3) such interest is a lien and the price at which such property is to be sold is greater than the aggregate value of all liens on such property;
- (4) such interest is in bona fide dispute; or
- (5) such entity could be compelled, in a legal or equitable proceeding, to accept a money satisfaction of such interest.

The Debtor submits that subsections (2), (3), and (5) apply in this case since certain lienholders of record can be compelled to accept the value of their indebtedness in full and final satisfaction of the debts and liens against the Property; certain lienholders will consent to the sale; and the value of any other lienholder's liens are less than to the value of the Property.

9. The known lienholders on the Property are as follows:

City National Bank 1135 Mockingbird Lane Sulphur Springs, Texas 75482	Winnsboro ISD 207 E. Pine Street Winnsboro, Texas 75494
Wood County Appraisal District PO Box 1706 Quitman, Texas 75783	Wood County Tax Assessor PO Box 1706 Quitman, Texas 75783
Wood County Waste Disposal District PO Box 1706 Quitman, Texas 75783	First Victoria National Bank c/o Clinton Milner, PLLC PO Box 801031 Dallas, TX 75380
Todd & Dawn Aaron 9757 Military Parkway Dallas, TX 75227	

10. Accordingly, the Debtor requests that this Court authorize the Debtor, or any title company acting pursuant to the authority of the Court's Order granting this Motion, to close the sale of the Property; to vest title in the Purchasers free and clear of all liens, claims and encumbrances whatsoever, save and except 2017 ad valorem taxes; and remit the sale proceeds as follows:

- a. First, to those parties necessary to fully satisfy closing costs and brokerage fees;
- b. Second, to any ad valorem taxing authority to fully satisfy the ad valorem taxes for the tax periods 2017 and prior (including all amounts allowed under 11 U.S.C. § 506(b)) against the Property;
- c. Third, to the holders of valid, recorded liens of record against the Property; and
- d. Fourth, to the Debtor.

11. Because the proposed Purchasers have agreed to close on the sale on the Property on November 30, 2017, the Debtor requests that the Court order that Federal Rule of Bankruptcy Procedure 6004(h) not apply to any Order granting the relief sought herein.

12. Since the Purchasers are third parties, and the price provided represents an arms-length transaction, the Debtor submits that the Purchasers are entitled to the protections afforded to good-faith purchasers pursuant to Section 363(m) of the Bankruptcy Code.

WHEREFORE, the Debtor respectfully requests that this Court enter an order authorizing the sale of the Property under the terms generally described herein free and clear of the liens and security interests provided herein, and granting the Debtor such other and further relief as is just.

Dated: October 27, 2017.

Respectfully submitted,

By: /s/ Howard Marc Spector  
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COUNSEL FOR DEBTOR

**CERTIFICATE OF CONFERENCE**

I certify that on October 27, 2017, undersigned counsel attempted to confer with Ms. Nancy Resnick, attorney with the Office of the U.S. Trustee regarding the relief requested in the foregoing motion via email and telephone. Ms. Resnick was unavailable to confer.

/s/ Howard Marc Spector  
Howard Marc Spector

**CERTIFICATE OF SERVICE**

The undersigned certifies that on October 27, 2017 a copy of the foregoing document was served via U.S. first-class mail upon the parties listed on the attached service list.

/s/ Howard Marc Spector  
Howard Marc Spector